JOHN F. COOK MAYOR

JOYCE WILSON CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR SPECIAL CITY COUNCIL MEETING

November 13, 2006 10th Floor Conference Room, City Hall 4:00 p.m.

<u>AGENDA:</u> Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, November 14, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

November 14, 2006 Council Chambers, City Hall 8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance

9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police Chaplain Carlos Flores Pledge of Allegiance

RECOGNITION PLAQUE

Mr. Tony Escalante, Nationally-Ranked Boxer

CALL TO THE PUBLIC - PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available

outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Reguests to speak must be received by 9:00 a.m. on the date of the meeting. 30 Minutes total is allotted for speakers. Three to five minutes may be allowed for each speaker.

REGULAR AGENDA - INTRODUCTION AND PUBLIC HEARING

1. FINANCIAL AND ADMINISTRATIVE SERVICES:

An Ordinance providing for the issuance and sale of "City of El Paso, Texas, Water and Sewer Revenue Refunding Bonds, Series 2006A" in a par amount not to exceed \$46,500,000; approving a purchase contract; approving an official statement; and enacting provisions related thereto. [Paul A. Braden, Bond Counsel (915) 544-9997]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

2. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes of the Regular City Council Meeting of November 7, 2006, and the Special City Council Meeting of November 6, 2006 (Agenda Review).

REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS: 3.

4. RESOLUTION(S):

- 4A. That the City Council of the City of El Paso hereby adopt amended standards for Department of Community and Human Development loan delinquency management in connection with (1) Loan Restructuring in Lieu of Foreclosure, (2) Loan Foreclosure/Lawsuits and (3) Declaring Loans Uncollectible; and that the Director of Community and Human Development be authorized to take any and all action consistent with this resolution necessary to remedy such delinguencies. (All Districts)
 - [Community and Human Development, Nathalie Prise, (915) 541-4643]
- 4B. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

404 Nino Aguilera Street \$43,133.30 **District 8**Matias Gonzalez
[Development Services, William Stern, (915) 541-4800]

- **4C.** That the Mayor be authorized to execute an interlocal agreement, and any other related documents, between the City of El Paso and the University of Texas at El Paso whereby the City and UTEP agree to a high speed data communication connection between the two parties. **(All Districts)** [Information Technology, Gerald Gordier, (915) 541-4288]
- **4D.** That the City Manager be authorized to exercise the City's second option to renew the Professional Services Agreement by and between the City of El Paso and Patricia A. Shipton for legislative and lobbying services in Austin, Texas. This renewal period will be from November 16, 2006, through November 15, 2007. **(All Districts)** [Mayor's Office, Sylvia B. Firth, (915) 541-4656]
- **4E.** That the dates of the regular City Council meetings are changed as indicated below:

Tuesday, December 26, 2006, is changed to Wednesday, December 27, 2006.

Tuesday, January 2, 2007, is changed to Wednesday, January 3, 2007.

The time and location of the meetings remain the same. [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4128]

4F. That the City Council finds that providing management and technical assistance, as outlined in the Museum and Cultural Affairs Department's Arts Development and Enrichment Program guidelines, to artists and non-profit arts and cultural organizations located within the city, is a municipal purpose and that the City Manager be authorized to enter into contracts with the NonProfit Enterprise Center and Genesis 21 to provide such management and technical assistance to the artists and organizations selected by the City in an amount not to exceed \$12,500 per contract. (All Districts)

[Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]

5. BOARD APPOINTMENT(S):

- **5A.** Appointment of David Turner to the Parks Advisory Board by Representative Ann Morgan Lilly, District 1. [Representative Ann Morgan Lilly, (915) 541-4151]
- **5B.** Joseph Nevarez, III, to the Community Development Steering Committee by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]
- **5C.** B. C. "Pete" Hollen as Alternate to the Zoning Board of Adjustment by Representative Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

6. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

Council Ratification of the Storm 2006 professional services contracts listed on the attachment posted with this agenda. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution. (Attachment A), [Development and Infrastructure Services, Patricia D, Adauto, (915) 541-4853]

REGULAR AGENDA - INTRODUCTIONS

7. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

- 7A. An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code by amending Chapter 2.102 (Neighborhood Association Recognition) in its entirety. (All Districts)

 [Community and Human Development, William Lilly, (915) 541-4500]
- 7B. An Ordinance amending Title 2 (Administration and Personnel) of the City Code of El Paso, Chapter 2.38 (Building and Standards Commission), Section 2.38.030 (Membership and Terms), Subsection C to delete the date of commencement of terms. (All Districts)

 [Development Services, R. Alan Shubert, (915) 541-4557]
- An Ordinance amending Title 19 (Subdivisions), Chapter 19.28 (Construction and Guarantees), Section 19.28.040 (Special Financing), Subsection a (Arterial Development within the corporate limits) of the City Code of El Paso, to add a provision providing for the code to supersede any language contained in annexation agreements should there be a conflict; the penalty being as provided in Section 19.04.190 of the El Paso City Code. (All Districts)

 [Development Services, R. Alan Shubert, (915) 541-4557]
- Provisions) of the El Paso City Code by amending Subsection 19.04.040 in order to amend the definition of "Block"; Chapter 19.16 (Improvement Standards and Design Principles) of the El Paso City Code by amending Subsection 19.16.020b.1.B.lv. (Streets) in order to add optional Right-Of-Way width and cross-section requirements for a major residential access street; amending Subsection 19.16.020b.1.C.lv. (Streets) in order to add optional Right-Of-Way width and cross-section requirements for a residential subcollector street; and amending Section 3 (Streets) of the Subdivision Improvement Design Standards, Appendix A of Title 19 of the El Paso City Code to add the cross-section of the major residential access street option and residential subcollector street option. The penalty being as provided in Section 19.04.190 of the El Paso City Code. (All Districts) [Development Services, R. Alan Shubert, (915) 541-4557]
- **7E.** An Ordinance amending Title 2, Administration and Personnel, Chapter 2.16, Zoning Board of Adjustment, Section 2.16.050, Special Exceptions, of the El Paso City Code to amend certain special exceptions as to space, yards and setbacks. The penalty is as provided in Chapter 20.68 of the El Paso City Code. **(All Districts)** [Development Services/Planning, Linda Castle, (915) 541-4029]
- 7F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII--Restrictions on Parking in Residential Districts), of the El Paso City Code, to add Zone L: No Parking Anytime, on Sixth Avenue between Mesa Street and the alley East of Mesa Street thereof, north side. The penalty being as provided in Section 12.84.010 (Violation--Penalty) of the El Paso City Code. (District 8) [Engineering Department, Traffic Division, Ted Marquez, 915 541-4035]

7G. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.040 (Construction of Sidewalks on Order of City), of the El Paso City Code, to delete the entire section. (All Districts) [Engineering Department, Rick Conner, (915) 541-4423]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 28, 2006, FOR ITEMS 7A - 7G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

- 8. PUBLIC HEARING(S) DEVELOPMENT SERVICES
 - 8A. An Ordinance changing the zoning of a portion of Lots 3 and 4, Block 280, Pierce Finley Addition, El Paso, El Paso County, Texas, from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1002 Arizona Avenue. Applicant: Christ Chavez. ZON06-00094. (District 8)
 [Development Services/Planning, Stephen Schlett, (915) 541-4935]
 POSTPONED FROM 10-31-06
 - 8B. An Ordinance changing the zoning of a portion of Lots 2 and 3, Block 4, Continental Industrial Park, El Paso, El Paso County, Texas, from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1055 Diesel Drive. Applicant: Juana Morales Orozco. ZON06-00096. (District 7)
 [Development Services/Planning, Stephen Schlett, (915) 541-4935]
 - **8C.** An Ordinance changing the zoning of Lot 19, Block 2, Franklin Village Amending Plat, El Paso, El Paso County, Texas, from C-4 (Commercial) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 6262 Woodrow Bean/Transmountain Drive. Applicant: Juan Gastelum. ZON06-00091. **(District 4)**[Development Services/Planning, Stephen F. Schlett, (915) 541-4935]
 - 8D. An Ordinance changing the zoning of Parcel 1: Tract 1F1, 1F1N, 1F1M1, Block 5, Ascarate Grant, El Paso, El Paso County, Texas, from R-3 (Residential) to S-D (Special Development); and Parcel 2: Tract 1E6, Block 5, Ascarate Grant, El Paso, El Paso County, Texas, from A-O (Apartment/Office) to S-D (Special Development). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Giles Road and North of Carolina Drive. Applicant: Farmers Dairies, Inc./Navar Irrevocable Trust. ZON06-00102. (District 3) [Development Services/Planning, Melissa Granado, (915) 541-4730]
 - **8E.** An Ordinance changing the zoning of Tracts 4H and 5B2, Block 55, Ysleta Grant, El Paso, El Paso County, Texas, from R-4 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1135 Zaragoza Road. Applicant: Portico Homes, Inc. ZON06-00098. (**District 7**) [Development Services/Planning, Melissa Granado, (915) 541-4730]

- 8F. An Ordinance changing the zoning of a portion of Tract 13A, S.A. and M.G. Railroad Company Survey No. 266, El Paso, El Paso County, Texas, from R-5/C (Residential/Conditions) to C-3/C (Commercial/Conditions) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Medano Drive and east of Interstate Highway 10. Applicant: Housing Authority of the City of El Paso. ZON06-00108.

 (District 1) [Development Services/Planning, Melissa Granado, (915) 541-4730]
- **8G.** An Ordinance changing the zoning of a portion of Tracts 24 and 26, all of Tract 25, Coronado Place; all of Tracts 1C1, 1D, 2C1, 2C, 2B1B, and 1A, Block 223; and Tract 16B, Block 24, Ysleta Grant, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) and R-4 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Coronado Road. Applicant: Enrique Escobar. ZON06-00105. **(District 3)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- 8H. An Ordinance changing the zoning of Lots 14, 15, 16, and 17, Block 13, Revised Map of Sahara Subdivision, El Paso, El Paso County, Texas, from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of McCombs Street and South of Saluki Drive. Applicant: Portico Homes, Inc. ZON06-00099. (District 4) [Development Services/Planning, Melissa Granado, (915) 541-4730]
- An Ordinance vacating a 20-foot wide alley, located in Block B, Government Hill Addition, City of El Paso, El Paso County, Texas. Subject Property: South of Trowbridge Drive and East of El Paso Drive. Applicant: Catholic Diocese of El Paso and Leonor R. Marquez. AV06003. (District 2)
 [Development Services/Planning, James Fisk, (915) 541-4638]
- 8J. An Ordinance vacating Texaco Road right of way lying between Tract 2 and Tracts 3B, 3C, 3D, 3D1, 3D2, 3E, Block 3, Ascarate Grant, City of El Paso, El Paso County, Texas. Subject Property: South of Trowbridge Drive and East of El Paso Drive. Applicant: Western Refining Company, L.P. SV06004. (District 3) [Development Services/Planning, James Fisk, (915) 541-4638]
- **8K.** An Ordinance vacating all of the 20-foot wide alley within Block 54, Kern Place Addition, City of El Paso, El Paso County, Texas. Subject Property: West of Stanton between Althea Park and Kern. Applicant: El Paso Independent School District. AV06005. **(District 1)**[Development Services/Planning, James Fisk, (915) 541-4638]
- **8L.** An Ordinance changing the zoning of a portion of Lot 27, Block 25, Latta's (Woodlawn) Addition, El Paso, El Paso County, Texas, from A-3 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3809 East Paisano Drive. Applicant: Abdulnassir Almaghrabi, Trustee. ZON06-00092 (**District 3**) [Development Services/Planning, Stephen Schlett, (915) 541-4935] POSTPONED FROM 10-31-06 and 11-07-06

9. PUBLIC HEARING(S) - MAYOR AND COUNCIL:

An Ordinance repealing Ordinance number 16273 which established the El Paso Advisory Committee on International Affairs, defined its purpose and duties, provided for its appointment, structure, and terms of office.

[Mayor John F. Cook, (915) 541-4145]

10. PUBLIC HEARING(S) – ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), Subsection (A), of the El Paso City Code by adding a new location on Sixth Avenue between El Paso Street and Oregon Street, south side only. The penalty being as provided in Section 12.88.180 of the El Paso City Code. (District 8)

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035] POSTPONED FROM 11-07-06

11. PUBLIC HEARING(S) - POLICE:

An Ordinance amending Title 18 (Building and Construction), Chapter 18.08.090, Section 501.2 (Premises Identification), of the El Paso City Code to amend the provisions relating to definitions, style, and placement of building numbering characters on commercial properties and enforcement of the provisions of the ordinance, the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso City Code. (All Districts) [Police Department, Paul Cross, (915) 564-7310]

12. PUBLIC HEARING(S) - TAX:

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in Lot 6 and the North 3 feet of Lot 5, Block 104, Campbell Addition, an addition to the City of El Paso, described in the First Tract in Volume 2624, Page 222, Deed Records, in El Paso County, Texas, (609 S. Kansas St.) to Frank Parra in accordance with Section 34.05 (h) of the Tax Code. (District 8) [Tax Office, Carmen I. Perez, (915) 545-5481]

REGULAR AGENDA – OTHER BUSINESS

13. MAYOR AND COUNCIL:

- **13A.** Discussion and action on a parking solution for Chico Court between Cedar Street and Birch Street. [Representative Beto O'Rourke, (915) 541-4268]
- **13B.** Discussion and action concerning the proliferation of unauthorized roadside advertisements. [Representative Steve Ortega, (915) 541-4124] POSTPONED FROM 10-31-06 AND 11-07-06
- **13C.** Discussion and action concerning the City of El Paso 2006/2007 audit plan. [Representative Steve Ortega, (915) 541-4124] POSTPONED FROM 11-07-06

14. CITY ATTORNEY'S OFFICE:

Discussion and action that the following salaries are established for the full-time Associate Municipal Court Judges and for the Associate Municipal Court Judges when they serve at the temporary court sessions created under Municipal Court No. 4:

<u>Temporary Court Sessions</u> <u>Full-Time Associate Municipal Court Judge</u>

\$250 per morning session
\$250.00 per afternoon session
\$500.00 for all day session

Al Dominguez - \$74,284/annually

Carl Horkowitz - \$78,300/annually

Vacant Position - \$70,000/annually

Vacant Position - \$70,000/annually

[City Attorney's Office, Charlie McNabb, (915) 541-4550]

15. ECONOMIC DEVELOPMENT:

Discussion and action that the City Manager be authorized to sign a Chapter 380 Economic Development Agreement between the City of El Paso ("City") and United Dairymen of Arizona, Inc., an Arizona Corporation ("Applicant") to provide for a grant from the City to the Applicant in an amount at least equivalent to fifty percent (50%) of the taxes collected on the personal and real property tax accounts generated in connection with the development of a milk processing plant in El Paso. (All Districts) [Economic Development, Lucille Ponticelli, (915) 541-4679]

16. FINANCIAL SERVICES - BEST VALUE PROCUREMENT:

The award of Solicitation No. 2006-145, El Paso Zoo Western Expansion, to Dantex Construction, Inc. of El Paso, Texas, in the amount of \$17,080,073.00.

Department: El Paso Zoo

Location: 4001 E. Paisano Dr.

Item(s): Package B Reptile Building \$ 1,095,484.00

Package C New Entry Complex \$ 4,947,810.00 Package D Africa Expansion \$11,036,779.00

Account No. 14101003-PQLZO106-60306-508027

31130514-PQLZO106-60306-508027 31130614-PQLZO106-60306-508027

Funding Source: 2000 Quality of Life Bond

Total Estimated Amount: \$17,080,073.00

District(s): 3

This is a lump-sum contract.

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design but which do not increase the scope of the contract as awarded in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

The Financial Services and Zoo Departments recommend award to the bidder offering the best value bid. [Engineering Department, Rick Conner, (915) 541-4423]

17. MUSEUM AND CULTURAL AFFAIRS:

- 17A. Discussion and action that the City Manager be authorized to sign a Bill of Sale between the City of El Paso and Impact: Programs of Excellence, for the purchase of eleven sols from the Art and Sol collection, as well as the name of the Art and Sol project, in the amount of ninety one thousand six hundred sixty three dollars and no/100 (\$91,663.00). (All Districts)

 [Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]
- 17B. Discussion and action on a Resolution that the Year 2007 Public Art Plan for the City of El Paso, Texas, be officially adopted, as is on file with the Office of the City Clerk, and incorporated herein for all intents and purposes. (All Districts) [Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]

18. CITY MANAGER'S REPORT:

City Manager's report of current events and issues:

El Paso Public Library update: Main Library opening. [Library Services, Carol Brey-Casiano, (915) 543-5413] POSTPONED FROM 11-07-06

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- **EX1.** Claim of Muntasser Alspini, Our File No. 06-C-106. (551.071). [City Attorney's Office, John L. Anderson (915) 541-4550]
- **EX2.** Claim of Oscar A. Urquidi Jr., Our File No. 06-C-167. (551.071). [City Attorney's Office, John L. Anderson (915) 541-4550]
- **EX3.** Discussion and action on amendment of the Employment Agreement with Joyce Wilson, City Manager. (551.074). [City Attorney's Office, John R. Batoon, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

http://www.elpasotexas.gov/